

SAS:jam 04/08/03 4239-55414 18137

PATENT  
Attorney Reference Number 4239-55414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13  
CA  
5-5-03

In re application of: Tosato et al.

Art Unit: 1642

Application No. 09/828,000

CERTIFICATE OF MAILING

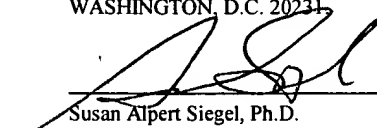
Filed: April 6, 2001

For: VASOSTATIN AS MARROW PROTECTANT

Examiner: Misook Yu

Date: April 8, 2003

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on April 8, 2003 as First Class Mail in an envelope addressed to: BOX ISSUE FEE, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

  
Susan Alpert Siegel, Ph.D.  
Agent for Applicant

BOX ISSUE FEE  
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WASHINGTON, DC 20231

TRANSMITTAL LETTER

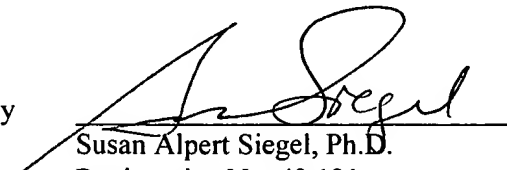
Enclosed for filing in the above-referenced application are the following:

- ☒ In connection with issuance of a patent:
  - ☒ Supplemental Declaration
  - ☒ Form PTOL-85b
- ☒ Letter to Official Draftsperson
  - ☒ Formal Drawings (16 sheets)
- ☒ Advance order of 10 copies (Fee \$30.00)
- ☒ Issue Fee (\$1,300.00)
- ☒ Publication Fee (\$300.00)
- ☒ A check in the amount of \$1,630.00 to cover the above-listed fees.
- ☒ The Director is hereby authorized to charge any additional fees that may be required in connection with issuance of a patent, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

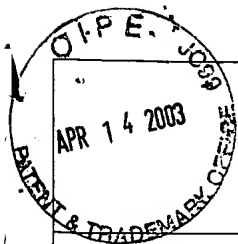
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cc: Docketing



# Notice of Allowability

Application No.	Applicant(s)	
09/828,000	TOSATO ET AL.	
Examiner	Art Unit	
MISOOK YU, Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to 1-10-2003.
- ☒ The allowed claim(s) is/are 38 and 40-47.
- ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - ☐ All ☐ Some\* ☐ None of the:
    - ☐ Certified copies of the priority documents have been received.
    - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- ☒ CORRECTED DRAWINGS must be submitted.
  - ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| <input type="checkbox"/> Notice of References Cited (PTO-892)  | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                 |
| <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>10, 13</u> |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | <input type="checkbox"/> Examiner's Amendment/Comment                                    |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                   |
|  | <input checked="" type="checkbox"/> Other Post-allowance communication.                  |

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